

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 14, 2007

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B193812	Rosalie S. v. Children and Family Services
B191002	Children and Family Services v. Rikki C.
B189082	People v. Carver
B188971	People v. Hoover
B186894	People v. Octavio L.

Argument waived, cause submitted.

B186394	Romero, et al.
	v.
	L.A. Power Joint Venture, et al.

Merits:

Argued by A. Thomas Hunt for appellants and by Catherine Evans for respondents. Cause submitted.

DIVISION THREE (Continued)

B189586 Yoo
 v.
 Jho

Merits:

Argued by Lawrence House for appellant and by S. Young Lim for respondent. Cause submitted.

B185811 Sturman
 v.
 Oshita

Merits:

Argued by Patricia Oshita, appellant in propria persona and by Robert M. Victor for respondent. Cause submitted.

B186934 People
 v.
 Spann

Merits:

Argued by David Read for appellant. Argument waived by the respondent. Cause submitted.

B190951 Braca
 v.
 2-10 HBW Warranty of California, Inc.

Merits:

Argued by Gary Soter for appellant and by Carlos Yguico for respondent. Cause submitted.

DIVISION THREE (Continued)

B185030 McMillian
 v.
 City of Los Angeles, et al.

Merits:

Argued by Gerald Sato, Deputy City Attorney for appellants and by David P. Cwiklo for respondent. Cause submitted.

B186110 Ingram
 v.
 Regents of the University of California

Merits:

Argued by Lee Franck for appellant and by Keri Lynn Bush for respondent. Cause submitted.

B181839 PM Group, Inc., et al.
 v.
 Levine, et al.

Merits:

Argued by Jeffrey Dintzer and Louis R. Miller for appellants and by Roy Weatherup for respondents. Cause submitted.

Court recessed at 1:23 p.m.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (Continued)

B191893 Stewart
 v.
 Superior Court, Los Angeles County
 (Reebok International, LTD., r.p.i.)

Merits:
Argued by R. Duane Westrup for petitioner and by Patrick Cathcart for real party in interest. Cause submitted.

B189412 People
 v.
 Bojorques

Merits:
Argued by Matthew D. Alger for appellant and by Sarah Farhat, Deputy Attorney General for respondent. Cause submitted.

B189222 People
 v.
 Grachian

Merits:
Argued by Jilbert Tahmazian for appellant and by Joseph A. Langton, Deputy County Counsel for respondent. Cause submitted.

B184687 Sea Foods Company Limited
B190151 v.
 Red Chamber Company

Merits:
Argued by Margaret Grignon and James Martin for appellant and by Benjamin King for respondent. Cause submitted.

DIVISION THREE (Continued)

B181989 Fassberg Construction Company
v.
Housing Authority of the City of Los Angeles

Merits:

Argued by Daniel J. Gonzalez for appellant and by Claudia Henry, Deputy City Attorney for respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

[illegible]

The one-year enhancement imposed pursuant to Penal Code section 667.5, subdivision (b) is ordered stricken, and in all other respects the judgment is affirmed. The trial court is directed to prepare a new abstract of judgment incorporating the modification and to send a certified copy to the Department of Corrections and Rehabilitation

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B189284 Vereecke
v.
Ziffren, Brittenham etc. et al.

Filed order denying petition for rehearing.

February 14, 2007 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B193637 Samantha E. (Not for Publication)
v.
Los Angeles County, D.C.S.
In re Juan E.

The order terminating mother's parental rights to Juan is reversed and the case is remanded to the juvenile court with directions to order the Department to comply with the notice provisions of the Act. After such notice, if a tribe claims that Juan is an Indian child, the juvenile court shall proceed in conformity with the Act. If no tribe claims that Juan is an Indian child, then the order terminating mother's parental rights to Juan shall be reinstated.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

February 14, 2007 (Continued)

DIVISION FIVE (Continued)

B189847 People (Not for Publication)
v.
Francisco Javier Cardenas

The judgment is affirmed. The case is remanded for resentencing.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B189415 People (Not for Publication)
v.
Derrick Roalston

The judgment is modified by reducing the \$600 restitution fine to \$200. The parole revocation restitution fine is reduced to \$200 and shall be suspended unless defendant's parole is revoked. The judgment is otherwise affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (Continued)

B189549 Marriage
 of
 Harris

Merits:

Argued by Suzanne K. Biely for appellant and argument previously waived by respondent. Cause submitted.

B188218 Levsey
 v.
 Calleguas Municipal Water Dist.

Merits:

Argued by Joseph M. Lovretovich for appellant and by Sylvie P. Snyder for respondent. Cause submitted.

B188380 Marquez
 v.
 Advantage Physical Therapy

Merits:

Argued by John E. Sweeney for appellant and by Julie Marie Capell for respondents. Cause submitted.

B188381 Cleaves
 v.
 Mirzai

Merits:

Argued by Melbourne B. Weddle for appellant and by Jack L. Collison for respondents. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (Continued)

B182487 Coy
 v.
 Wachtel

Merits:

Argued by Edward J. Horowitz for appellants and by Douglas G. Benedon for respondents. Cause submitted.

B184013 Greenberg
 v.
 Arnold

Merits:

Argued by Paul L. Giannini for appellant and by Ronald L. Gallant for respondent. Cause submitted.

Court recessed at 11:25 a.m.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B190533 Freer v. Calif. Dept. of Motor Vehicles

Off calendar, cause dismissed on January 9, 2007.

B191941 Scherer
 v.
 Calif. Dept. of Transportation

Merits:

Argued by Mark R. West for appellants and by David N. Sandler, Deputy Counsel, for respondent. Cause submitted.

DIVISION SIX (Continued)

B194512 Ferguson
 v.
 Knight

Merits:

Argued by Richard I. Wideman for appellants and by Alejandro P. Gutierrez for respondent. Cause submitted.

Perren, J. left the bench.

B193221 Steele
 v.
 Mendez

Merits:

Argued by Brigham J. Ricks for appellant and by Diane Matsinger for respondent. Cause submitted.

B192426 Marriage
 of
 Friedman

Merits:

Argued by Brigham J. Ricks for appellant and by respondent, Jill L. Friedman, Esq., appearing in propria persona. Cause submitted.

B182525 Fergus
 v.
 Songer

Merits:

Argued by Dennis D. Law for appellants/cross-respondents and by Roy E. Ogden for respondent/cross-appellant. Cause submitted.

Court adjourned at 3:30 p.m.

DIVISION SIX (Continued)

B184403 Gonzalez et al.,
 v.
 Stone et al.,

Filed order vacating submission order of 11-9-06. To permit additional briefing. Matter to stand resubmitted on 3-6-07.

DIVISION SEVEN

B191761 Ervin Cohen & Jessup, LLP (Certified for Partial Publication)
 v.
 Kassel et al.,

The order denying the motion to compel arbitration is reversed and the matter is remanded for further proceedings consistent with this opinion. Appellant is entitled to recover its costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
 Zelon, J.

B188585 People (Not for Publication)
 v.
 Sosa

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B190712 Santa Monica Properties (Not for Publication)

v.

A/R Capital, LLC et al.,

David Lynn

The order denying A/R Capital, LLC's motion to vacate the September 26, 2004 judgment in favor of Santa Monica Properties is affirmed. The judgment in favor of Cecil McNab (including the three pre-judgment orders McNab challenges) is affirmed. Each side is to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.

B181844 People (Not for Publication)

v.

Shaw

The judgment is modified as to Count Two by striking the enhancement under section 12022.53, subdivision (d), imposing enhancements as to that Count under section 12022.53, subdivisions (b) and (c), and staying the enhancement under subdivision (b). The judgment is further modified to reflect defendant is to receive three additional days of presentence credits. In all other respects the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Zelon, J.

February 14, 2007 (Continued)

DIVISION SEVEN (Continued)

B193024 Sanai
 v.
 Saltz

Filed order denying petition for rehearing.